

# UNITED STATES DISTRICT COURT

MIDDLE

DISTRICT OF

TENNESSEE

USA

## EXHIBIT AND WITNESS LIST

V.

GILBERT R. GHEARING

Case Number: 2:19-cr-00010

PRESIDING JUDGE William L. Campbell, Jr.					PLAINTIFF'S ATTORNEY S. Bogni, J. Aldridge, A. Klopff	DEFENDANT'S ATTORNEY Ronald Chapman, Meggan Sullivan
TRIAL DATE (S) February 14 - March 28, 2023					COURT REPORTER Patty Jennings	COURTROOM DEPUTY Angie Brewer
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
		2/15/2023		Y	Stipulations of the Parties	
				Y	Prescription- Exhibits 1 through 39	
				Y	Prescription-Exhibits 42a through 49b	
				Y	Prescription-Exhibits 51a through 56	
40				Y	Prescription	
57				Y	Prescription	
58				Y	Prescription	
59				Y	Prescription	
60				Y	Prescription	
61				Y	Prescription	
41				Y	Prescription	
50				Y	Prescription	
					WIT: Anne Kane	
235				Y	Photographs of Buildings	
161				CA	Office Layout Diagram	
162				CA	Office Layout Diagram	
					WIT: Crystal Stephens	
				Y	Emails Collective Exhibit Nos 557 through 593	
131				Y	Call Log 1	
132				Y	Call Log 2	
		2/16/2023			WIT: Dr. Craig Shaffer	
					WIT: Reginald Sparks	

\* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

## EXHIBIT AND WITNESS LIST – CONTINUATION

USA vs. GILBERT R. GHEARING					CASE NO. 2:19-cr-00010
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
70				Y	Hard Drive (5 mobile devices)110
68				Y	Hard Drive
69				Y	Hard Drive
71				Y	Hard Drive
159				Y	Patient Record
160				Y	Patient Record
					WIT: Lowell Floyd
73			ID		Disc (Tipton Phone Extraction)
74			ID		Disc (Hall Phone Extraction)
75				Y	Disc (Ghearing Phone Extraction)
76				Y	Disc (Ghearing Phone Extration) Exhibit A only
110			ID		Fox News Report (Disc)
111				Y	Fox News Report Screenshot and Disc
					WIT: Daniel Adami
					WIT: James Hischar
125				Y	Certificate of Registration
126				Y	Receipt for DEA Registration (Renewal)
		2/21/2023			WIT: Whitey Frogge
					WIT: Megan Copas
113				Y	Screenshots from BodyCam video (A and B)
					WIT: Dr. Carl Chirstenson via video deposition
233				Y	2014 TN Chronic Pain Guildelines
234				Y	2017 TN Chronic Pain Guildelines
301				Y	ECW Medical Record-Beechboard
302				Y	ECW Medical Record-Gulley
303				Y	ECW Medical Record-Hornaday
304				Y	ECW Medical Record-Kuntz

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
305				Y	ECW Medical Record-Poindexter
306				Y	ECW Medical Record-Webb
307				Y	ECW Medical Record-Calvert
328				Y	ECW Medical Record-Beechboard Disc
329				Y	ECW Medical Record-Calvert Disc
330				Y	ECW Medical Record-Gulley Disc
331				Y	ECW Medical Record-Hornaday Disc
332				Y	ECW Medical Record-Kuntz Disc
333				Y	ECW Medical Record-Poindexter Disc
334				Y	ECW Medical Record-Webb Disc
316				Y	ER Records-Gulley
317				Y	ER Records-Gulley
318				Y	ER Records-Gulley
319				Y	ER Records-Gulley
320				Y	ER Records-Gulley
321				Y	ER Records-Gulley
322				Y	ER Records-Gulley
323				Y	ER Records-Gulley
324				Y	ER Records-Gulley
		2/27/2023			Deposition of Dr. Christensen continues
	101	2/28/2028		Y	CSMD Records Darrell Gulley
	102			Y	CSMD Records Jennie Hornaday
	103			Y	CSMD Records Karen Webb
	104			Y	CSMD Records Oletta Kuntz
	105			Y	CSMD Records Patricia Poindexter
	106			Y	CSMD Records Roxie Calvert
	107			Y	CSMD Records Wyeath Beechboard

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
83				Y	CSMD-Beechboard Disc
84				Y	CSMD-Calvert Disc
85				Y	CSMD-Gulley Disc
86				Y	CSMD-Hornaday Disc
87				Y	CSMD-Kuntz Disc
88				Y	CSMD-Poindexter Disc
89				Y	CSMD-Webb Disc
90				Y	CSMD-Ghearing Discs
					WIT: Dr. Glenn Todd Webb
		3/1/2023			WIT: Michael Griffith
236				Y	TN Dept of Health Complain
124				Y	Ghearing Folder
	801		ID		Answer Filed in Case No. 2:19cr00009
	802			Y	Plea Agreement dated 8/26/2021, Case No. 2:21cr00002
					WIT: Stephen Quindoza
92				Y	Medicare Part B Disc
99				Y	Medicare Part D Disc
100				Y	Medicare Part A Disc
94				Y	Medicare Part B Enrollment-2016
95				Y	Medicare Part B Enrollment-2016
96				Y	Medicare Part B Enrollment-2017
97				Y	Medicare Part B Enrollment-2017 Application Data Report
206				Y	Summary Chart-Medicare Part B
207				Y	Summary Chart-Medicare Part B
	901			Y	Ghearing Billing Chart
		3/2/2023			WIT: Dr. Peter Phillips
134				CA	Email sent by CSMD to Dr. Ghearing

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USA			vs.		GILBERT R. GHEARING	CASE NO. 2:19-cr-00010
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES	
					WIT: Victoria Smith	
				CA	Emails Exhibits 530- 556 Conditionally Admitted	
	902			Y	Medical Record for Jason Short	
	903			Y	Medical Record for Maria Short	
					WIT: Carrie Cooper	
237				Y	Hall Family Pharmacy Prescriptions	
					WIT: Michael Choate	
					WIT: Linda Conaster	
		3/3/2023			WIT: Jerry Adair	
186				Y	Letter to Anderson Hometown Pharmacy	
187				Y	Commercial Lease Agreement	
					WIT: Marylee Robinson	
107				Y	Bank Records Disc	
109				Y	BankRecords Disc	
231				Y	Summary of Accounts	
232				Y	Line Chart of Accounts	
					WIT: Jodi Sullivan	
191				Y	Summary Chart- Medicare Part D	
192				Y	Summary Chart- Medicare Part D	
193				Y	Summary Chart- Medicare Part D	
194				Y	Summary Chart- Medicare Part D	
195				Y	Summary Chart- Medicare Part D	
195				Y	Summary Chart- Medicare Part D	
197				Y	Summary Chart- Medicare Part D	
198				Y	Summary Chart- Medicare Part D	
199				Y	Summary Chart- Medicare Part D	

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
200				Y	Summary Chart- Medicare Part D
201				Y	Summary Chart- Medicare Part D
202				Y	Summary Chart- Medicare Part D
					WIT: Aaron Butler
104				Y	TennCare Enrollment
115				Y	Contract-Amerigroup MCO
117				Y	Contract-BCBS MCO
119				Y	Contract-United Healthcare MCO
		3/6/2023			WIT: Cheyenne Bentley
					WIT: Carl Walker
					WIT: Patricia Poindexter
					WIT: Amber Hall
				Y	ECW Emails Exhibits Collective-See Attachment for Admitted Numbers
176				Y	Photograph- pill count/urine drug screen log
177				Y	Photograph- pill count/urine drug screen log
174				Y	Photograph Pain Clinic List
167				Y	Photograph of Exit Door
170				Y	Photograph of Office
					WIT: Tony Maffei
315				Y	ER Records-Beechboard
130				Y	Amerigroup Letter
166				Y	Photo
167				Y	Photo
168				Y	Photo
169				Y	Photo
170				Y	Photo
171				Y	Photo

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
173				Y	Photo
174				Y	Photo
175				Y	Photo
176				Y	Photo
177				Y	Photo
178				Y	Ghearing's account balance
172				Y	Photo
133				Y	DEA Registration card and certificate
134				Y	CSMD email to Ghearing
135				Y	Optum warning letter
136				Y	Silverscript Letter to Ghearing
137				Y	Silverscript Letter to Ghearing
138				Y	Silverscript Letter to Ghearing
139				Y	Silverscript Letter to Ghearing
140				Y	Email from SHC to Ghearing re opioid crisis
141				Y	Email from DEA DI to Ghearing re opioid addiction resources
142				Y	Email to Healio to Ghearing with link to article re overdose
143				Y	Email from DEA DI to Ghearing re CDC recommendations
144				Y	Email from DEA DI to Ghearing re practitioner conference
146				Y	Email from Ghearing to staff re office policies
147				Y	Email from Amber H. to Ghearing re opiate policy
148				Y	Email from Stephens to Ghearing re Letter to patients
149				Y	Email from Ghearing re scribe
150				Y	Eligibility Report-Beechboard
151				Y	Eligibility Report-Calvert
152				Y	Eligibility ReportGulley

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
153				Y	Eligibility Report-Hornaday
154				Y	Eligibility Report-Kuntz
155				Y	Eligibility Report-Poindexter
156				Y	Eligibility Report-Webb
157				Y	Prior Authorization-Gulley
158				Y	Prior Authorization-Beechboard
165				Y	2018 Summary of TN Opioid Prescribing Laws
129				Y	Weiss-Discharge Letter
127				Y	Weiss-BCBS Warning Letter
128				Y	Weiss-Response to BCBS Response Letter
					CSMD Screenshots on Exhibit 90(See Attachment for Admitted Numbers)
79D		3/7/2023		Y	Audio Clip
121				Y	United Airlines Records
					WIT: Amber Hall, returned to stand
	904			Y	Email from DF to Amber Hall
					WIT: Geraldine Wix
240					Family Photo
					WIT: Cheyenne Tipton Huddleston
		3/8/2023			
	905			Y	Patient Health Information Consent Form
					WIT: Jacob Stroup
102				Y	TennCare Claims Physician Claim DISC
105				Y	Data Ghearing DISC
223				Y	Summary Chart-CSMD
224				Y	Summary Chart-CSMD
225				Y	Summary Chart-CSMD



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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
230				Y	Summary Chart-CSMD
226				Y	Summary Chart-CSMD
227				Y	Summary Chart-CSMD
228				Y	Summary Chart-CSMD
229				Y	Summary Chart-CSMD
208				Y	Summary Chart-TennCare
209				Y	Summary Chart-TennCare
210 211				Y	Summary Chart-TennCare
216				Y	Summary Chart-TennCare
212				Y	Summary Chart-TennCare
213				Y	Summary Chart-TennCare
214				Y	Summary Chart-TennCare
215				Y	Summary Chart-TennCare
217				Y	Summary Chart-TennCare
218				Y	Summary Chart-TennCare
219				Y	Summary Chart-TennCare
220				Y	Summary Chart-TennCare
221				Y	Summary Chart-TennCare
222				Y	Summary Chart-TennCare
					WIT: Kristen Folding
					WIT: Bharat Satyanarayan
301				Y	ECW Medical Records-Beachboard
302				Y	ECW Medical Records-Gulley
303				Y	ECW Medical Records-Hornaday
304				Y	ECW Medical Records-Kuntz
305				Y	ECW Medical Records-Poindexter
306				Y	ECW Medical Records-Webb

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307				Y	ECW Medical Records-Calvert
328				Y	Record Extraction-Beachboard
329				Y	Record Extraction-Calvert
330				Y	Record Extraction-Gulley
331				Y	Record Extraction-Hornaday
332				Y	Record Extraction-Kuntz
333				Y	Record Extraction-Poindexter
334				Y	Record Extraction-Webb
336				Y	Progress Notes Log Extraction
337				Y	Progress Notes Log Extraction
338				Y	Progress Notes Log Extraction
339				Y	Progress Notes Log Extraction
340				Y	Progress Notes Log Extraction
341				Y	Progress Notes Log Extraction
342				Y	Progress Notes Log Extraction
343				Y	User Log extraction
344				Y	ECW User Log
769		3/9/2023		Y	Drug Chart
					WIT: Justin Reagan
345				Y	Twin Lakes-screenshots IP addresses
62				Y	UC Prescription
63				Y	UC Prescription
64				Y	UC Prescription
65				Y	UC Prescription
66				Y	UC Prescription
					402-613 ECW Emails, 614-745 CSMD Screenshots (Disc) (See Attachment for Admitted Nos.)
					GOVERNMENT RESTED

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
		3/9/2023			WIT: Dr. Patrick Murphy
	806			Y	Video
	807			Y	Video
	808			Y	Video
	809			Y	Video
	810			Y	Video
	811			Y	Video
	812			Y	Video
	813			Y	Video
	814			Y	Video
	815			Y	Video
	816			Y	Video
	817			Y	Video
	818			Y	Video
	819			Y	Video
	820			Y	Video
		3/20/2023			WIT: Nerissa Owens
					WIT: Donda Frisa
		3/21/2023			WIT: Dr. Sarah Thelen
					WIT: Rita Dominquez
					WIT: Lora Elkins WIT: Dolly Ghearing
					WIT: Dr. Patrick Murphy, returned to the stand
783			ID		Dr. Murphy's Affidavit re Purdue Pharma
756			ID		Dr. Murphy's Expert Report
757			ID		Dr. Murphy's New Patient Intake Packet
		3/22/2023			WIT: Dr. Gilbert Ghearing
	402			Y	Letter

